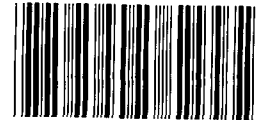




United States Department of the Interior

BUREAU OF LAND MANAGEMENT
SALT LAKE DISTRICT OFFICE
2370 South 2300 West
Salt Lake City, Utah 84119



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(U-022) 7269

1 SEP 1989

SF FILE NUMBER
9.1.11

Mr. David Schaller
U.S. EPA, Region VIII
CERCLA BRANCH
999 18th Street, Suite 500
Denver, Colorado 80202

Dear Mr. Schaller:

We are forwarding the enclosed final Site Investigation (SI) for the Silver Maple Claim site (CERCLIS No. UTD 980951396).

Based on the SI analysis and associated recommendations we are initiating the following action:

1. The area will be posted with signs warning the public of the potential health hazards of coming in contact with the tailings. The wording of the signs is presently being developed and will be reviewed by our solicitor before the signs are posted. Because of the sensitivity of the Park City officials and townspeople to the hazardous waste issues in their town, we will meet with the city council prior to the posting action to advise them of our intent and discuss the investigation results with them. We may also need to place an article in the local newspaper to alert the townspeople of our actions, to advise them of the need to stay off of the area and to reduce any anxiety they may have in seeing the signs.

2. The parcel included in Silver Maple Claims is presently encumbered with seven rights-of-way leases, a recreation and public purpose (R&PP) lease, and mining claims (pages 2-7,8). We had previously notified all of these lessees of potential health risks associated with the site per the draft SI. They were to advise BLM before they conducted any activities creating surface disturbance. BLM will again notify the lessees of the potential health risks as identified in the final SI. Fencing off of the tailings would require extensive coordination and legal negotiation with each lessee regarding access provisions. We are presently under legal consultation with our solicitors regarding this possibility.

The mining claim matter raises certain questions and issues regarding the legal precedence of CERCLA versus rights under the 1872 Mining Law. At this time, BLM is the landowner but the claimants have filed for the tailings as a placer claim. Under the 1872 Mining Law, the claimant may mine the tailings under BLM regulations 43 CFR 3809. It is not clear to BLM whether EPA's authority for remediation under CERCLA extends to mining operations under BLM's 3809 regulation. There has been no mining by the claimants to date. Does EPA have any precedent setting legal decisions on this matter? Although BLM recognizes the claimants right to mine the tailings, we are acutely aware that the claimant could abandon the claims at any time leaving BLM with at least portions of the liability for the tailings.

3. Before BLM initiates any air monitoring on the site which could be time consuming and expensive, we request EPA review the existing air monitoring data on Prospector Square and Richardson Flat to determine if available analyses are adequate and further study unnecessary.

There is also the possibility that covering of the tailings might be a better expenditure of funds. The tailings are interspersed with a lush riparian area within the Silver Creek flood zone. The issue of covering the exposed tailings is further complicated in that there is a legal issue about covering the tailings as the claimants' discovery under the mining laws.

4. Regarding the surface water sampling, it is our understanding that EPA sampled the Pace Homer ditch during the Prospector Square ESI studies. Are these analyses adequate to define the potential surface water contamination at the Silver Maple Claims site?

5. Regarding the groundwater question, are existing groundwater sampling data from the Prospector Square and Richardson Flat studies adequate to determine the direction of the unconfined valley aquifer and the water quality of the unconfined valley aquifer?

6. Regarding the aquatic bioassay recommendation, BLM is making a determination of whether or not the results of the bio-assay would be meaningful. Several questions have to be addressed.

A. Although the water quality analytical data indicates an acute threat to aquatic life, there are observable, thriving biota in the stream. We wonder why this is?

B. Even if an effect were to be demonstrated by a bio-assay, could it be determined whether it was the result of the chemical composition of the water or the physical properties of the water such as temperature, dissolved oxygen, turbidity, sediment transport, etc, or even the life span of the subject organisms?

3. Have threshold levels of injury from heavy metals been determined for sensitive or indicator species?

4. Can sensitive or indicator species even be identified?

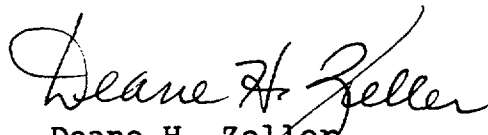
Because the Silver Maple claims lie between Prospector Square and Richardson Flat and is part of the same scenario, BLM is concerned that whatever necessary actions we undertake are consistent with the remediation requirements of Prospector Square and Richardson Flat and that all existing analyses from these two sites that are applicable to Silver Maple be utilized to reduce duplication of efforts.

Given the many legal and management questions that we have raised, as well as budget scheduling requirements for next fiscal year, we would request review of this final SI by the same staff responsible for Richardson Flat and Prospector Square.

We would appreciate acknowledgment of this letter at your earliest convenience along with the identification of the individual on your staff who will be the BLM contact.

Please address any questions to Susan Skinner, the District geologist/HAZMAT coordinator or myself at (801) 524-5348, or Bill Wagner, BLM State Office HAZMAT coordinator at (801) 539-4062. BLM is anxious to remediate towards a long term solution and look forward to working with your staff.

Sincerely,


Deane H. Zeller
District Manager

Enclosure

cc: Brent Bradford,
Bill Wagner U-932
Park City Corporation
Dave Grayson, Solicitor